

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	}	
vs.	}	2:19-cr-8-NR-6
AHMAD FLETCHER,	}	
Defendant.	}	

TENTATIVE FINDINGS & RULINGS

The Court has reviewed the entire record, including the Presentence Investigation Report (“PSR”) prepared for Mr. Fletcher’s prior federal case and the parties’ sentencing memoranda. The Court has also reviewed the Sentencing Guidelines themselves.

After careful consideration, the Court issues the following tentative findings and rulings:

I. Mr. Fletcher’s motion for downward departure.

In his Sentencing Memorandum, Mr. Fletcher requests “a downward departure pursuant to U.S.S.G. § 5K2.0(a)(2) due to extraordinary presentence confinement conditions.” [ECF 2183, p. 3]. Specifically, Mr. Fletcher argues that because he tested positive for and recovered from COVID-19 while in pretrial detention, his pretrial confinement has been “more extraordinary and harder than is typical.” [*Id.*]. The Court will tentatively deny Mr. Fletcher’s motion for downward departure but will take his arguments under advisement for purposes of a variance and issue its final rulings at the sentencing hearing.

II. Supervised release conditions.

The Court tentatively concludes that the sentence in this case will not include a term of supervised release because Mr. Fletcher will already be subject to a term of supervised release stemming from a sentence in another federal case, and supervised release here is not otherwise required by statute.

III. Voluntary surrender.

Mr. Fletcher has been detained since his arrest, and so the Court tentatively finds that he is not a candidate for voluntary surrender based on the provisions of 18 U.S.C. § 3143(a)(2).

DATED this 14th day of July, 2020.

BY THE COURT:

/s/ J. Nicholas Ranjan
United States District Judge